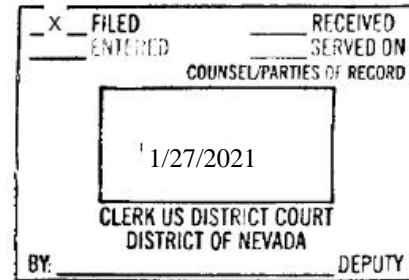


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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELASHAUN DEAN,

Defendant.

Case No. 2:20-mj-00901-VCF

**ORDER to Continue the Preliminary  
Hearing (Second Request)**

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Erin M. Gettel, Assistant Federal Public Defender, counsel for Defendant, that the preliminary hearing in the above-captioned matter, previously scheduled for January 29, 2020, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties have agreed to a pre-

1 indictment plea and submitted it for the court's consideration. Additional time is needed to  
2 allow the court to consider whether to accept the plea.

3 2. This continuance is not sought for the purposes of delay, but to allow the  
4 court an opportunity to examine the merits of this case before deciding whether to accept  
5 the parties' plea agreement.

6 3. Defendant is in custody and agrees to the continuance.

7 4. Denial of this request could result in a miscarriage of justice, and the ends of  
8 justice served by granting this request outweigh the best interest of the public and the  
9 defendants in a speedy trial.

10 5. The additional time requested by this stipulation is excludable in computing  
11 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
12 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

13 DATED this 27th day of January, 2021.

14 NICHOLAS A. TRUTANICH  
15 United States Attorney

16 s/ Jim W. Fang  
JIM W. FANG  
17 Assistant United States Attorney  
Counsel for the United States

16 s/ Erin M. Gettel  
ERIN M. GETTEL  
Assistant Federal Public Defender  
17 Counsel for Defendant

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3                   UNITED STATES OF AMERICA,

4                                   Plaintiff,

5                                   v.

6                   DELASHAUN DEAN,

7                                   Defendant.

Case No. 2:20-mj-00901-VCF

**FINDINGS AND ORDER**

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9                   Based on the pending Stipulation between the defense and the government, and good  
10 cause appearing therefore, the Court hereby finds that:

11                   1.       The parties desire to continue the preliminary hearing to facilitate pre-  
12 indictment resolution. A plea agreement has been reached between the parties, and the  
13 agreement has been submitted for the court's consideration. The Court finds good cause to  
14 continue the hearing to allow the court additional time to decide whether to accept the plea.

15                   2.       Both counsel for defendant and counsel for the government agree to the  
16 continuance.

17                   3.       Defendant is in custody and agrees to the continuance.

18                   4.       The continuance is not sought for the purposes of delay, but to allow the court  
19 an opportunity to examine the merits of this case before deciding whether to accept the  
20 parties' plea agreement.

21                   5.       Denial of this request could result in a miscarriage of justice, and the ends of  
22 justice served by granting this request outweigh the best interest of the public and the  
23 defendants in a speedy trial.

1           6.       The additional time requested by this stipulation is excludable in computing  
2 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
3 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

4           THEREFORE, IT IS HEREBY ORDERED that the preliminary hearings in the  
5 above-captioned matter, previously scheduled for January 29, 2021, at 4:00 p.m., be vacated  
6 and continued to 4/29/2021 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

7           DATED this 27 day of January, 2021.

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10 HONORABLE CAM FERENBACH  
11 UNITED STATES MAGISTRATE JUDGE  
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